

REMARKS**1. *Status of claims***

After entry of the above amendment, claims 1-34 are canceled and claims 35-43 are pending.

2. *Support for amendment*

The amendment of claims 38-40 finds support in the specification at p. 15, lines 12-15. No new matter has been added by this amendment.

3. *Claim rejections under 35 U.S.C. § 112*

First, the Examiner rejected claims 35-43 under 35 U.S.C. § 112, first paragraph, for containing new matter. Specifically, the Examiner alleged that the limitation of claim 35 "wherein the initial pH of the fermentation medium is higher than 4.5" was not supported by the specification as filed.

Applicants traverse this rejection with reference to the specification at p. 7, lines 6-9, as previously cited in their response dated January 25, 2005, Remarks, "Support for amendment." This passage states "the pH of the fermentation medium may initially be higher than 4.5." Applicants therefore submit the limitation of claim 35 quoted above is supported by the specification and does not represent new matter.

Second, the Examiner rejected claims 38-40 under 35 U.S.C. § 112, second paragraph, as being indefinite for reciting pH limitations that were confusing in light of the initial pH limitation of claim 35. By the above amendment, these claims now recite lactic acid recovery at the stated pH ranges and clarify that the stated pH ranges do not refer to the initial pH of the

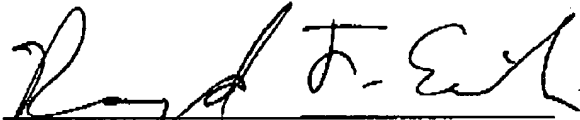
fermentation medium. Therefore, Applicants submit the basis for this rejection of claims 38-40 has been removed.

4. *Final remarks*

In conclusion, Applicants submit all pending claims 35-43, as amended, are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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